IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 77 OF 2005

DAMODAR VINAYK NAIK AND ANR., ...Appellants

Versus

SHRI M. SADIQ ESMAIL BANDUCDA AND 4 ORS., ...Respondents

Mr. S. K. Kakodkar, Senior Advocate with Mr. R. R. Rivonkar, Advocate for the appellants.

Mr. S. R. Rivonkar, Advocate for the respondents No.1, 2 and 5.

Mr. V. Rodrigues, holding for Mr. N. N. Sardessai, Advocate for respondents NO.3 and 4.

Coram:- P.V. KAKADE, J.

Date:- 17th August, 2006

P.C.

Heard learned Senior Counsel for the appellants; Mr. V. Rodrigues, holding for Mr. Sardessai for respondents No.3 and 4 and the Counsel for respondents No.1, 2 and 5 as well.

2. By order dated 20.10.2005, the Civil Judge, Sr. Division, Margao had ordered that the suit premises shall stand locked and it continued till the said order was vacated on 21.12.2005 and the application for temporary injunction and for appointment of receiver was dismissed by the Civil Judge, Sr. Division, Margao by order dated 21.12.2005. It appears that there was no dispute that defendant No.3 was running the day today affairs of the suit shop before the same was sealed on 20.10.05.

3. After hearing all the concerned parties, this Court by order dated 28.12.2005, made appointment of Advocate Peter Fernandes, as interim

receiver with direction that defendant No.3 shall run the day today affairs of the suit shop as agent of the said interim receiver and the said arrangement was directed to be continued pending the admission of the appeal.

4. Today, the learned Senior Counsel for the appellants submits that he has no objection if the arrangement regarding interim receiver and the order passed by this Court dated 28.12.2005 is continued provided direction is made to expedite the suit to the lower Court. This suggestion is acceptable to the Advocate for respondents No.3 and 4 as well as respondents No. 1, 2 and 5.

5. Under the circumstnaces, it is, hereby, directed that the interim arrangement made by order dated 28.12.2005 regarding appointment of interim receiver and respondent/defendant No.3 to run the suit shop as agent of the interim receiver shall continue pending the suit. The lower Court is directed to expedite the hearing of the suit so as to complete the same within one year from the date of receipt of writ of this Court. With this direction, the appeal stands disposed of with no order as to costs.

P.V. KAKADE, J.

ssm.